

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-00908-RDM

BERNEGGER v. EXECUTIVE OFFICE OF U.S.
 ATTORNEYS

Assigned to: Judge Randolph D. Moss

Case: 1:17-cv-00563-RDM

Cause: 05:552 Freedom of Information Act

Plaintiff

PETER M. BERNEGGER

Date Filed: 04/17/2018

Jury Demand: Plaintiff

Nature of Suit: 895 Freedom of
 Information Act

Jurisdiction: U.S. Government Defendant

represented by **PETER M. BERNEGGER**

3415 Park Drive
 Sturgeon Bay, WI 54235
 (920) 810-8339
 PRO SE

V.

Defendant

**EXECUTIVE OFFICE OF U.S.
 ATTORNEYS**

represented by **Joshua L. Rogers**
 U.S. ATTORNEY'S OFFICE FOR THE
 DISTRICT OF COLUMBIA
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Doris Denise Coles-Huff
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| Date Filed | # | Docket Text |
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| 04/17/2018 | | Initiating Pleading & IFP Application Received on 4/17/2018. (zmd) (Entered: 04/19/2018) |
| 04/17/2018 | <u>1</u> | COMPLAINT against EXECUTIVE OFFICE OF U.S. ATTORNEYS with Jury Demand filed by PETER M. BERNEGGER. (Attachments: # <u>1</u> Civil Cover Sheet) (zmd) (Entered: 04/19/2018) |
| 04/17/2018 | <u>2</u> | MOTION for Leave to Proceed in forma pauperis by PETER M. BERNEGGER. (zmd) (Entered: 04/19/2018) |
| 04/17/2018 | <u>3</u> | MOTION to have U.S. Marshal Serve Process on defendant EOUSA by PETER M. BERNEGGER. (zmd) (Entered: 04/19/2018) |
| 05/07/2018 | <u>4</u> | FIAT ORDER granting <u>2</u> Motion for Leave to Proceed in forma pauperis. "Leave to file without prepayment of costs GRANTED." Signed by Judge Colleen Kollar-Kotelly on 5/7/2018. (zmd) (Entered: 05/11/2018) |

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| 05/11/2018 | <u>5</u> | NOTICE OF RELATED CASE by PETER M. BERNEGGER. Case related to Case No. 17-cv-563. (zmd) (Entered: 05/11/2018) |
| 05/11/2018 | | Case Reassigned to Judge Randolph D. Moss. Unassigned is no longer assigned to the case. (zmd) (Entered: 05/11/2018) |
| 06/04/2018 | <u>6</u> | SUMMONS (3) Issued as to EXECUTIVE OFFICE OF U.S. ATTORNEYS, U.S. Attorney and U.S. Attorney General (zmd) (Entered: 06/04/2018) |
| 07/02/2018 | <u>7</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 6/29/18. (ztd) (Entered: 07/10/2018) |
| 07/20/2018 | <u>8</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 7/19/2018. Answer due for ALL FEDERAL DEFENDANTS by 8/18/2018. (ztd) (Entered: 07/24/2018) |
| 07/25/2018 | <u>9</u> | NOTICE of Appearance by Joshua L. Rogers on behalf of All Defendants (Rogers, Joshua) (Entered: 07/25/2018) |
| 08/07/2018 | <u>10</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. EXECUTIVE OFFICE OF U.S. ATTORNEYS served on 8/3/2018 (jf) (Entered: 08/07/2018) |
| 08/17/2018 | <u>11</u> | First MOTION for Extension of Time to File Answer by EXECUTIVE OFFICE OF U.S. ATTORNEYS (Attachments: # <u>1</u> Text of Proposed Order)(Rogers, Joshua) (Entered: 08/17/2018) |
| 08/20/2018 | | MINUTE ORDER: Upon consideration of Defendant's Motion for Extension of Time <u>11</u> , it is hereby ORDERED that the motion is GRANTED. Defendant shall answer or otherwise respond to the Complaint on or before September 19, 2018. Signed by Judge Randolph D. Moss on 8/20/2018. (lcrdm1,) (Entered: 08/20/2018) |
| 08/20/2018 | | Set/Reset Deadlines: Answer or otherwise respond to the Complaint on or before 9/9/2018. (dot) (Entered: 08/20/2018) |
| 09/19/2018 | <u>12</u> | ANSWER to <u>1</u> Complaint by EXECUTIVE OFFICE OF U.S. ATTORNEYS.(Rogers, Joshua) (Entered: 09/19/2018) |
| 09/25/2018 | | MINUTE ORDER: It is hereby ORDERED that the parties shall submit a joint status report proposing a schedule for further proceedings on or before October 25, 2018. Signed by Judge Randolph D. Moss on 9/25/2018. (lcrdm1,) (Entered: 09/25/2018) |
| 09/25/2018 | | Set/Reset Deadlines: Joint Status Report due by 10/25/2018. (kt) (Entered: 09/25/2018) |
| 09/27/2018 | <u>13</u> | RESPONSE re <u>12</u> Answer to Complaint filed by PETER M. BERNEGGER. (ztd) (Entered: 10/02/2018) |
| 10/05/2018 | | MINUTE ORDER: Upon consideration of the Plaintiff's Motion for Service <u>3</u> , it is hereby ORDERED that the motion is DENIED as moot. The U.S. Marshal has served process on Defendants, see Dkt. <u>7</u> , <u>8</u> , <u>10</u> , and Defendants have appeared before this Court, see Dkt. <u>9</u> . Signed by Judge Randolph D. Moss on 10/5/2018. (lcrdm1,) (Entered: 10/05/2018) |
| 10/24/2018 | <u>14</u> | Joint STATUS REPORT by EXECUTIVE OFFICE OF U.S. ATTORNEYS. (Rogers, Joshua) (Entered: 10/24/2018) |
| 11/14/2018 | <u>15</u> | MOTION for Discovery, MOTION for Jury Trial to be Set by PETER M. BERNEGGER (ztd) (Main Document 15 replaced on 11/20/2018) (ztd). (Entered: 11/16/2018) |
| 11/21/2018 | | MINUTE ORDER: Upon consideration of Plaintiff's motion for discovery, Dkt. <u>15</u> , it is hereby ORDERED that the motion is DENIED without prejudice as premature. The Court further ORDERS that the parties shall meet and confer regarding a schedule for filing dispositive motions and submit a proposed briefing schedule on or before December 17, 2018. Plaintiff may, if appropriate, address his contention that discovery is necessary in responding to the government's motion for summary judgment or other dispositive motion. Signed by Judge Randolph D. Moss on 11/21/2018. (lcrdm1,) |

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| | | (Entered: 11/21/2018) |
| 11/21/2018 | | Set/Reset Deadlines: Proposed Briefing Schedule due by 12/17/2018 (lsj) (Entered: 11/21/2018) |
| 12/11/2018 | <u>17</u> | RESPONSE TO ORDER OF THE COURT re Order on Motion for Discovery,,, Order on Motion for Trial,, filed by PETER M. BERNEGGER. (ztd) (Entered: 12/14/2018) |
| 12/14/2018 | <u>16</u> | MOTION for Extension of Time to File <i>Briefing Schedule</i> by EXECUTIVE OFFICE OF U.S. ATTORNEYS (Attachments: # <u>1</u> Text of Proposed Order)(Rogers, Joshua) (Entered: 12/14/2018) |
| 12/18/2018 | <u>18</u> | MOTION for Order by PETER M. BERNEGGER (ztd) (Entered: 12/19/2018) |
| 12/22/2018 | | MINUTE ORDER: Upon consideration of Defendant's motion for extension of time, Dkt. <u>16</u> , it is hereby ORDERED that the motion is GRANTED in part and DENIED in part. Defendant shall confer with Plaintiff and submit a joint proposed briefing schedule on or before January 7, 2019. No additional extensions will be granted, absent extraordinary circumstances. It is further ORDERED that Plaintiff's motion to find Defendant in contempt, Dkt. <u>18</u> , is DENIED. Signed by Judge Randolph D. Moss on 12/22/2018. (lcrdm1,) (Entered: 12/22/2018) |
| 12/26/2018 | | Set/Reset Deadlines: Joint Proposed Briefing Schedule due by 1/7/2019. (kt) (Entered: 12/26/2018) |
| 01/02/2019 | <u>19</u> | MOTION to Stay by EXECUTIVE OFFICE OF U.S. ATTORNEYS (Attachments: # <u>1</u> Text of Proposed Order)(Coles-Huff, Doris) (Entered: 01/02/2019) |
| 01/02/2019 | | MINUTE ORDER: Upon consideration of Defendant's motion to stay, Dkt. <u>19</u> , it is hereby ORDERED that the motion is GRANTED. As soon as Congress has appropriated funds for the Department of Justice, Defendant's counsel shall notify the Court and the parties shall meet and confer to propose a schedule for dispositive motions. Signed by Judge Randolph D. Moss on 1/2/2019. (lcrdm1,) (Entered: 01/02/2019) |
| 01/29/2019 | <u>20</u> | NOTICE of Restored Government Funding by EXECUTIVE OFFICE OF U.S. ATTORNEYS (Rogers, Joshua) (Entered: 01/29/2019) |
| 01/31/2019 | | MINUTE ORDER: Upon consideration of Defendant's notice of restored funding, Dkt. <u>20</u> , it is hereby ORDERED that the stay in this case is lifted. It is further ORDERED that the parties shall meet and confer and submit a joint status report, on or before Friday, February 8, 2019, that includes a proposed schedule for further proceedings in this matter. Signed by Judge Randolph D. Moss on 1/31/2019. (lcrdm1,) (Entered: 01/31/2019) |
| 01/31/2019 | | Set/Reset Deadlines: Joint Status Report due by 2/8/2019. (kt) (Entered: 01/31/2019) |
| 02/25/2019 | <u>21</u> | MOTION to Dismiss, MOTION Full Awarding of All Records Requested to Plaintiff by PETER M. BERNEGGER (ztd) (Entered: 02/28/2019) |
| 03/11/2019 | <u>22</u> | MOTION for Extension of Time to File <i>Joint Status Report</i> by EXECUTIVE OFFICE OF U.S. ATTORNEYS (Attachments: # <u>1</u> Text of Proposed Order)(Rogers, Joshua) (Entered: 03/11/2019) |
| 03/11/2019 | <u>23</u> | RESPONSE re <u>21</u> MOTION to Dismiss MOTION Full Awarding of All Records Requested to Plaintiff filed by EXECUTIVE OFFICE OF U.S. ATTORNEYS. (Attachments: # <u>1</u> Text of Proposed Order)(Rogers, Joshua) (Entered: 03/11/2019) |
| 03/21/2019 | | MINUTE ORDER: Upon consideration of Defendant's motion for extension of time, Dkt. <u>22</u> , it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that following schedule shall govern proceedings in this matter: (1) Defendant shall file its motion for summary judgment on or before April 30, 2019; (2) Plaintiff shall file his opposition or any cross-motion on or before May 30, 2019; (3) Defendant shall file its response/reply on or before June 29, 2019; and (4) Plaintiff will file his reply on or before July 29, 2019. Signed by Judge Randolph D. Moss on 3/21/2019. (lcrdm1,) (Entered: 03/21/2019) |
| 03/21/2019 | | Set/Reset Deadlines: Defendant shall file its motion for summary judgment on or before 4/30/2019; Plaintiff shall file his opposition or any cross-motion on or before |

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| | | 5/30/2019; Defendant shall file its response/reply on or before 6/29/2019; Plaintiff will file his reply on or before 6/29/2019. (kt) (Entered: 03/21/2019) |
| 03/21/2019 | <u>24</u> | REPLY to opposition to motion re <u>21</u> MOTION to Dismiss MOTION Full Awarding of All Records Requested to Plaintiff filed by PETER M. BERNEGGER. (tth) (Entered: 03/26/2019) |
| 03/21/2019 | 25 | RESPONSE re <u>22</u> MOTION for Extension of Time to File <i>Joint Status Report</i> filed by PETER M. BERNEGGER. (See Docket Entry <u>24</u> to view document) (tth) (Entered: 03/26/2019) |
| 04/29/2019 | <u>26</u> | MOTION for Summary Judgment, MOTION to Dismiss by EXECUTIVE OFFICE OF U.S. ATTORNEYS (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Text of Proposed Order)(Rogers, Joshua). Added MOTION to Dismiss on 6/26/2019 (jf). (Entered: 04/29/2019) |
| 05/29/2019 | <u>27</u> | MOTION for Extension of Time to File Response/Reply as to <u>26</u> MOTION for Summary Judgment by PETER M. BERNEGGER (ztd) (Entered: 06/03/2019) |
| 06/03/2019 | | MINUTE ORDER: Upon consideration of Plaintiff's motion for extension, Dkt. <u>27</u> , it is hereby ORDERED that the motion is GRANTED. Plaintiff shall file his response to Defendant's motion for summary judgment on or before July 1, 2019. Signed by Judge Randolph D. Moss on 6/3/2019. (lcrdm1,) (Entered: 06/03/2019) |
| 06/03/2019 | | Set/Reset Deadlines: Plaintiff's Response to <u>26</u> Motion for Summary Judgment due by 7/1/2019. (dot) (Entered: 06/05/2019) |
| 06/25/2019 | <u>28</u> | RESPONSE re <u>26</u> MOTION for Summary Judgment MOTION to Dismiss filed by PETER M. BERNEGGER. (jf) (Entered: 06/26/2019) |
| 06/28/2019 | <u>29</u> | REPLY to opposition to motion re <u>26</u> MOTION for Summary Judgment MOTION to Dismiss filed by EXECUTIVE OFFICE OF U.S. ATTORNEYS. (Attachments: # <u>1</u> Declaration (Natasha Hudgins), # <u>2</u> Exhibit (Exhibits A–H))(Rogers, Joshua) (Entered: 06/28/2019) |
| 07/29/2019 | <u>30</u> | NOTICE of Change of Address by PETER M. BERNEGGER (ztd) (Entered: 08/01/2019) |